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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,988	06/30/2000	Aly Aarestrup Michaelsen	042390.P8721	1437

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EXAMINER

BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/608,988	Applicant(s) MICHAELSEN, ALY AARESTRUP	
	Examiner Barbara N. Burgess	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This Office Action is in response to Request for Continuation Examination (RCE) filed May 20, 2005. Claims 1-20 are cancelled as requested by Applicant. Claims 21-39 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21, 23-24, 26, 28-29, 31, 33-34, 36, 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mallory et al. (hereinafter "Mallory", US 2002/0006136 A1) in view of Blackledge, Jr. et al. (hereinafter "Black", US 5,835,738).

As per claims 21, 26, 31, 36, Mallory discloses a method, an article of manufacture, and an apparatus comprising:

- Receiving a data signal formatted according to a data communication protocol at a software data communication platform, the software data communication platform to support one or more data communication protocols (paragraphs [0011, 0111]);
- Determining if the data communication protocol of the data signal is supported by a hardware data communication platform (paragraphs [0011]).

Mallory does not explicitly disclose:

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- The hardware data communication platform to support a data communication protocol not supported by the software data communication platform, the hardware data communication platform having a filter engine with a filter path to process a data signal for routing and a by-pass path to route the data signal through the filter engine without processing the data signal by the filter engine;
- If the data communication protocol of the data signal is supported by the hardware data communication platform, indicating to the hardware data communication platform to receive the data signal at the filter path to process the data signal with the hardware data communication platform, or else to receive the data signal at the by-pass path to process the data signal with the software data communication platform.

However, in an analogous art, Black discloses a filter means for translating signals in accordance with the first bus protocol to signals in accordance with the second bus protocol (column 3, lines 60-67, column 4, lines 1-5, column 5, lines 45-53).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Black's filtering in Mallory's method in order to process the signal according to the appropriate protocol for the particular bus.

As per claims 23, 28, 33, 37, Mallory discloses the method, apparatus, and article of claims 21, 27, 31, and 36, wherein determining if the data communication protocol of the data signal is supported by the hardware data communication platform comprises comparing the data communication protocol of the data signal to a data

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communication protocol included in a lookup table indicating the data communication protocols supported by the hardware data communication platform (paragraph [0011]).

As per claims 24, 29, 34, 38, Mallory discloses the method, article, and apparatus of claims 23, 28, 33, 37, wherein indicating to the lookup table is stored on the hardware data communication platform (paragraphs [0111]).

3. Claims 22, 27, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mallory et al. (hereinafter "Mallory", US 2002/0006136 A1) in view of Blackledge, Jr. et al. (hereinafter "Black", US 5,835,738) and in further view of Scott et al. (hereinafter "Scott", 5,953,340).

As per claims 22, 27, 32, Mallory discloses the method, article, and apparatus of claims 21, 26, 31.

Mallory, in view of Black, does not explicitly disclose wherein the hardware communication protocol includes one or more application specific integrated circuits (ASICs).

However, the use and advantages for using a network switch engine is well known to one skilled in the relevant art at the time the invention was made as evidenced by Scott (column 10, lines 36-58).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate using a network switch engine in Mallory's method in order for the data to be filtered.

4. Claims 25, 30, 35, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mallory et al. (hereinafter "Mallory", US 2002/0006136 A1) in view of Blackledge, Jr. et al. (hereinafter "Black", US 5,835,738) and in further view of Crayford et al. (hereinafter "Crayford", 5,550,803).

As per claims 25, 30, 35, 39, Mallory, in view of Black, discloses the method, article, and apparatus of claims 21, 27, 31, and 36.

Mallory, in view of Black, does not explicitly disclose wherein said indicating to the hardware data communication platform to receive the data signal at the filter path or the by-pass path comprises tagging header information to the data signal to indicate the path.

However, the use and advantages for using tagging header information is well known to one skilled in the relevant art at the time the invention was made as evidenced by Crayford (Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate tagging header information in Mallory's method in order to append information to the data portion of the data packet during an inter-packet gap period.

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Conclusion

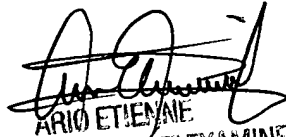
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Barbara N Burgess
Examiner
Art Unit 2157

August 7, 2005


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
COMMUNICATIONS SECTION